

REMARKS / ARGUMENTS

In the Office Action mailed October 20, 2003, the Examiner considered the response filed July 31, 2003 as not being fully responsive to the prior May 1, 2003 Office action because the amendments to the claims and to the drawings were not in strict compliance with the revised version of 37 CFR 1.121(c) effective July 30, 2003. All the Examiner's objections have been responded to in the present response.

In the Office Action mailed May 1, 2003, the Examiner made a requirement for the submission of corrected drawings, the corrections having been approved in the Office Action mailed May 1, 2003. Formal drawings, including the corrected drawings are enclosed herewith. No new matter has been added in the preparation of these formal drawings.

The Examiner has objected to claims 4, 5, 14 and 18 as being informal because of the use of a comma after the claim number instead of a period. All of the claim numbers are now followed by a period.

The Examiner has objected to claims 1-7 and 14-18 under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner has objected to claims 1 and 14 for being written in a generally run-on fashion, and for being unclear in respect of the terms "in communication" and "therein". Applicant has amended claims 1 and 14 using a paragraph format, and also to delete the terms "in communication" and "therein", so it is respectfully submitted that the Examiner's objections are no longer applicable. Claim 15 has been amended to make it compatible with its parent claim 14. Support in the disclosure for these amendments may be found at page 4, paragraph 0017 and at page 9, paragraph 0033.

The Examiner has also objected to claims 7 and 16 as being unclear. These claims have been cancelled.

The Examiner has rejected claims 1-6, 14, 15, 17 and 18 under 35 U.S.C. 102(e) as being anticipated by Seiler et al. Applicant respectfully requests reconsideration and withdrawal of the rejection in view of the amendments made herein and the following remarks.

In Applicant's claimed invention, the actuator plunger blocks and unblocks flow between the housing inlet and outlet openings.

In Seiler et al, if 58 is the inlet and 56 is the outlet, the plunger does not block and unblock the flow between the inlet and the outlet. If 50 is the inlet and 52 is the outlet, again the plunger does not block and unblock the flow between the inlet and the outlet. If 50 is the inlet and 56 is the outlet, there are no opposed plug walls defining inlet and outlet openings as in the claimed invention. Accordingly, it is respectfully submitted that Seiler et al does not anticipate Applicant's claimed invention. Further, Seiler et al neither discloses nor suggests a bypass valve that has opposed plug walls that would permit the bypass valve to be inserted into a heat exchanger at any convenient location and form an integral part of the heat exchanger, as in the present invention. Applicant's claimed invention, therefore, is not obvious in view of Seiler et al, either alone or in combination, with any of the other cited references.

The above comments are fully applicable to the claims as originally filed, so Applicant wishes to make it clear that the amendments to the claims made herein are solely for the purposes of overcoming the Examiner's 35 U.S.C. 112 objections, and not for the purposes of overcoming any of the cited references.

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Reply to Office Action of Oct 20, 2003

In view of the above, the application is believed to be in condition for allowance, which is
courteously requested.

Respectfully submitted,

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